

**Conference Committee Report on  
House Bill No. 142 / Senate Bill No. 1**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 142 (Senate Bill No. 1) has met and recommends that the following amendments be deleted:

House Amendments No. 6 (drafting code 6924) and 7 (drafting code 6922)

The Committee further recommends that the following amendment be adopted:

Senate Amendment No. 2 (drafting code 6587) with the following amendment thereto:

by amending SECTION 4 to add the following new subsection (c):

(c) The judges of the court of appeals shall be elected by the qualified voters of the state in a statewide retention election conducted in accordance with title 17, chapter 4, part 1. Vacancies on the court of appeals shall be filled by the governor in accordance with title 17, chapter 4, part 1.

**AND FURTHER AMEND** by inserting the following new SECTION 19 and renumbering the subsequent sections accordingly:

SECTION 19. Tennessee Code Annotated, Section 16-5-103, is amended by deleting subsection (a) and substituting instead the following:

(a) The judges of the court of criminal appeals shall be elected by the qualified voters of the state in a statewide retention election conducted in accordance with title 17, chapter 4, part 1. Vacancies on the court of criminal appeals shall be filled by the governor in accordance with title 17, chapter 4, part 1.

**AND FURTHER AMEND** by designating the amendatory language of SECTION 7 as subsection (a) and adding the following new subsection (b):

(b) If a vacancy occurs in the office of a chancellor, circuit court judge, criminal court judge, or judge of any other state trial court of record, the vacancy shall be filled in accordance with title 17, chapter 4, part 3.

**AND FURTHER AMEND** by deleting the final sentence of Section 17-4-303(a) of the amendatory language of SECTION 17 and substituting instead the following:

This subsection (a) shall not apply to any employee of the attorney general and reporter, except the attorney general and reporter and the solicitor general, any of whom shall be eligible to serve as a member of the trial court vacancy commission.

**AND FURTHER AMEND** by deleting from Section 17-4-304(a) and (b) and Section 17-4-308(a) of the amendatory language of SECTION 17 the language “May 1, 2015” and substituting instead the language “June 1, 2015”.

**AND FURTHER AMEND** by deleting Section 17-4-308(g) of the amendatory language of SECTION 17 in its entirety and substituting instead the following:

(g)

(1) The application for the position of trial judge shall contain an authorization form permitting the commission to request from the board of judicial conduct and the board of professional responsibility any information, records, files, or other documents, whether in an electronic format or written form, that the board maintains on the applicant. Signing the authorization form has the effect of waiving any statutory or common law confidentiality that may attach to those documents.

(2) If an applicant signs the authorization form, upon request of the commission, the board of judicial conduct and the board of professional responsibility shall furnish the commission with all information, records, files, or other documents, whether in an electronic format or written form, that the board maintains on a person who applies to be a candidate to fill a trial court vacancy.

**AND FURTHER AMEND** by deleting from Section 17-4-301(a) of the amendatory language of SECTION 17 the following language:

There is established as a part of the judicial branch of the state a trial court vacancy commission, to be composed of eleven (11) members as follows:

and substituting instead the following language:

There is established as a part of the judicial branch of the state a trial court vacancy commission that shall have jurisdiction over all trial court vacancies occurring on or after April 1, 2015. The commission shall be composed of eleven (11) members as follows:

**AND FURTHER AMEND** by deleting from the final sentence of Section 17-4-106(d) of the amendatory language of SECTION 14 the language "service in office" and substituting instead the word "term".

**AND FURTHER AMEND** by deleting subsection (d) in its entirety in the amendatory language of SECTION 10 of the bill as amended and substituting instead the following:

(d)

(1) Within the appropriate sixty-day period, established in accordance with § 17-4-103, the general assembly shall meet in joint session for the purpose of voting either to confirm or reject the governor's appointee.

(2) The appointee shall be confirmed or rejected by joint vote of both houses of the general assembly. A majority of votes to which the general assembly is entitled cast in the affirmative shall confirm the appointee. A majority of votes to which the general assembly is entitled cast in the negative shall reject the appointee.

(3) If a majority of votes to which the general assembly is entitled is not reached to confirm or reject the appointee, then no action is taken and both houses may vote again to confirm or reject, subject to § 17-4-103(b).

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Senator Brian Kelsey

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Representative Jon Lundberg

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Senator Mike Bell

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Representative Bill Beck

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Senator John Stevens

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Representative Bill Dunn